CURRY COUNTY COMMUNITY DEVELOPMENT PLANNING DIVISION
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Administrative Staff Report and Decision

January 13, 2021

Application AD-2021 is a request for Conditional Use Approval to place a single-family dwelling on a 167.24 acre parcel zoned Forestry Grazing (FG).

I. BACKGROUND INFORMATION:

Property Owner:	Bradley S. Walker Coast Hills Ranch, LTD
Applicant:	Jonathan R. Giska
Land Use Review:	Conditional use review of a single-family dwelling on a FG zoned parcel using the large tract (>160 acre) test.
Property Description:	Township 34 South, Range 14 West W.M., Index; Tax Lot 906, Curry County, OR
Location:	This property is ~ 1/3 of a mile up BLM resource road 34-14-17.0 from its intersection with Pacific Highlands Dr.
Proposed Development:	To build a single-family dwelling on a 167.24 acre FG zoned parcel.
Zone:	Forestry Grazing (FG) Zone
Size:	167.24 acres
Current Land Use:	This property is under timber production.
Surrounding Land Use:	Large tracts adjoining to the north, northwest and west are improved with residences. Large tracts adjoining to the south and east are under commercial timber production.

II. NATURE OF REQUEST

The applicant seeks approval to establish a single-family dwelling on an FG zoned property using the 160+ acre test. The County Assessor's Official Record of Descriptions records that this parcel was legally created as Parcel 3 (240 acres) of Partition Plat 1994-01. Since then, a lot line adjustment (LL-0004) was approved in 2000, reducing the lot size to 174.39 acres. A second lot line adjustment was approved with a partition application (P-0302) in 2003, reducing the lot size to ~166 acres, based on the associated map of survey. The county assessor reports the subject's lot size as 167.24 acres. Properties surrounding this property are large FG zoned acreages, mixed as residential use and commercial timber production.

A parcel in the FG zone may be approved for the siting of a dwelling under any one of the three tests allowed in the Curry County Zoning Ordinance (CCZO). However, any structure within the FG zone must meet certain general standards and requirements, as well as specific fire safety criteria found under CCZO Sections 3.055 and 3.056. This property includes areas identified as having Geologic Hazard by the DOGAMI Provisional Maps of Rapidly Moving Slides area, and the Applicant included a recent geological assessment of the proposed homesite since it is in an area identified as having Geologic Hazard.

The Community Development Department has duly accepted the application filed in accordance with CCZO Section 7.020 for an application for a conditional use and has given notice of this matter to affected property owners as set forth in CCZO Section 2.070(2).

III. APPLICABLE REVIEW CRITERIA

The proposed application for Conditional Use Approval of a single-family dwelling on an FG zoned parcel is an Administrative Decision under CCZO Section 2.060(1), subject to the following review requirements:

Section 3.050 Forest Grazing Zone
Section 3.052 Conditional Uses Subject to Administrative Approval by the Director
16. Dwellings subject to Section 3.0534.
Section 3.053 Standards for the Approval of Dwellings
2. Requirements for siting of a single-family dwelling on large tract forest land
4. Additional requirements for approval of a dwelling
Section 3.055 Fire Fighting Standards for Dwellings and Structures
Section 3.056 Fire Safety Standards for Roads
Section 3.252 Development in Areas of Geologic Hazard
Section 7.040 Standards Governing Conditional Uses
1. Conditional Uses Generally
2. Dwelling not served by community water or sewer
17. Uses on resource land
Section 7.050 Time Limit on a Permit for Condition Uses

IV. FINDINGS

Section 3.050. Forestry Grazing Zone (FG).
Purpose of Classification: The Forestry Grazing Zone is applied to resource areas of the county where the primary land use is commercial forestry with some intermixed agricultural uses for livestock uses. The purpose of the Forestry Grazing Zone is:

(a) to implement the forest land policies of the Curry County Comprehensive Plan;

(b) to implement Statewide Planning Goal 4 with respect to forest lands in the county;

(c) to implement the agricultural land policies of the Curry County Comprehensive Plan with respect to livestock grazing and related farm uses which are intermixed with forest land in some parts of the county; and

(d) to implement Statewide Planning Goal 3 with respect to intermixed farm and forestland in the county.

Finding: The Applicant requests approval to site a single-family dwelling in an FG zoning district. This use can be allowed in the zone through a conditional use review. The Applicant has submitted a complete conditional use application with findings to address the applicable CCZO criteria for siting a single-family dwelling on a 167.24 ac FG zoned parcel. The application is consistent with the purpose of the FG zone, so this requirement is met.

Section 3.052. Conditional Uses Subject to Administrative Approval by the Director.
The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

16. Dwellings subject to Section 3.053 (1,16)
– Note CCZO Error: The correct reference is Section 3.053(1, 2, 17).

Finding: The Applicant has submitted a complete conditional use application for review by the Planning Director under the provisions of CCZO Section 2.060. The CCZO Section 3.052 identifies the proposed use as being allowed through a conditional use review. This requirement is met.

Section 3.053. Standards for the Approval of Dwellings.
One single-family dwelling may be approved on a forest land parcel if the dwelling meets any of the tests set forth in (1), (2) or (3) below.

This application has been made under test (2) as follows:

2. *A single-family dwelling may be sited on forest land if it complies with other provisions of law and;*

a) it will be located on a tract of land of at least 160 contiguous acres;
NOTE: For purposes of this subsection a tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or waterway.

Finding: The county assessor's Official Record of Descriptions shows that TL 906 was created in 1994 as Parcel 3 of Partition Plat 1994. Originally, the parcel was 240 acres, but was reduced to 167.24 acres after two lot line adjustments. Since the property is greater than 160 acres, this requirement is met.

4. The approval of a dwelling under subsections 1, 2, or 3 above shall be subject to the following additional requirements.

a) Dwellings and structures shall be sited on the parcel so that:

i) they have the least impact on nearby or adjoining forest or agricultural lands;

Finding: The proposed home site is on a knoll at the end of a small ridge, with an elevation of about 1100 ft. Based on Google Earth historic maps, the knoll has been leveled and cleared since the early 1990s. From the knoll, the topography drops to the west, south and east. Access to the knoll is along the small ridge from the north. The site is roughly centered on the property, about 2000 ft distant of the west and east lot boundaries and 1000 ft distant from the south lot boundary. The north lot line is not straight, but the site is about 1000 ft of the north lot boundary at its closest point. There is ample distance between the proposed site and the lot boundaries, allowing sufficient area for maintaining the required Fire Safety Areas and providing good separation from adjacent large parcels under commercial timber production. This proposed site will have little impact on adjoining forest lands. This requirement is met.

ii) the siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Finding: The Applicant proposes that this site, on a cleared and isolated ridge, ensures that adverse impacts to forest operations on the tract are minimized. Beyond the site, the property to the southwest, southeast and northeast will remain available for timber production. This requirement is met.

iii) the amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

Finding: The proposed site is leveled, estimated as a 200ft x 300ft cleared area by the Applicant, so no further significant tree removal or grading is necessary to develop a home site. An existing resource road (BLM 34-14-17.0) follows the subject's northwest property boundary and then branches. BLM 34-14-17.0 continues across the central portion of the subject property and BLM 34-14-17.1 follows along the subject's north property boundary. These roads were established for timber operations on the subject property and on adjoining tracts. There is an existing drive (about 900 ft in length) to the proposed home site branches from BLM 34-14-17.1. No additional roads or drives need to be cleared

to use the proposed site. The amount of forest lands used for access and home site development is therefore minimized. This requirement is met.

iv) the risks associated with wildfire are minimized.

Finding: Risks associated with wildfire are addressed later in this report (CCZO Sections 3.055 and 3.056) and must be minimized in accordance with those standards. If the applicable standards of CCZO Sections 3.055 and 3.056 are met, then the risks associated with wildfire are minimized, thereby meeting this requirement.

b) the siting criteria to (a) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

Finding: The proposed home site is on a knoll, roughly centered on the tract, so setbacks from adjoining properties are unnecessary. There are no existing structures on the property and no nearby residences on adjoining properties, so clustering is also unnecessary. The knoll site is 900 ft from the access road, but the proposed site is not well suited for growing trees since it has not regrown during the 25+ years it has been cleared and leveled. Setbacks for Fire Safety Areas (130 ft, under CCZO Section 3.055) and riparian buffers (50 ft) will be required and reviewed for compliance upon application of a development permit. Development in identified wetland areas will also be reviewed for compliance at that time. No other setbacks are needed. This requirement is met.

c) The applicant shall provide evidence that the domestic water supply is from a source authorized by the Oregon Water Resources Department's administrative rules for the appropriation of ground water or surface water and is not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

iii) verification from the Oregon Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Finding: A water source for the proposed home site has not yet been developed. The applicant intends to drill a well for the domestic water supply. Per OR Water Resources Department, new drilled wells for domestic use do not require a water right but the well must be registered by the driller. The applicant has agreed that a well report, as required by OR WRD, will be submitted to the county upon application to develop the home site. The approval of this request is conditioned on installation of a drilled well with sufficient yield for domestic use prior to application for home site development permits (Condition #2). As conditioned, this requirement will be met.

d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the

United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Finding: From Pacific Highlands Drive, access to the proposed homes site is via two BLM resource roads shared with adjoining property owners, both for residential use and forest operations. Pacific Highlands Drive is a paved road, whereas the resource roads are gravel. Per the 2003 partition plat (P-0302), easements were given for ingress-egress across the BLM resource roads; and, per the associated Disclosure Statement, maintenance of the BLM resource roads is the responsibility of parcels served. This requirement is met.

e) Approval of a dwelling shall be subject to the following requirements:

(1) the applicant shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

f) The Director shall notify the county Assessor of the above condition at the time the dwelling is approved.

g) the property owner shall submit a stocking survey report to the Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

h) the Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

i) upon notification by the Assessor the Department of Forestry shall determine whether the tract meets the minimum stocking requirements of the Forest Practices Act, if the Department of Forestry determines that the tract does not meet those requirements then the Department shall notify the owner and the Assessor that the land is not being managed as forest land, the Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

Finding: Based on a review of Google Earth historical aerial maps, it does not appear that a significant amount of timber has been from this property during the last 25+ years. If timber is taken or removed from this property, the Department of Forestry must be notified and the property owner will be required to follow Department of Forestry restocking requirements. Timber restocking requirements (CCZO Section 3.053 (4) (e-i)) will be reviewed for compliance upon application to construct a dwelling if timber has been harvested from this property. (Condition #3)

Section 3.055. <u>Fire Fighting Standards for dwellings and Structures</u>

The following fire siting standards shall apply to all new dwellings or permanent structures constructed or placed on lands within the Forestry Grazing (FG) Zoning designation.

1. *The dwelling shall be located on a parcel that is located within a structural fire protection district or the owner has contracted with a structural fire protection district for residential fire protection. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Director may provide an alternative means for protecting the dwelling from fire hazards. The alternative means for providing fire protection may include a fire sprinkling system, onsite fire suppression equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

Finding: The subject property would receive forest protection from the Coos Curry Protective District, and verification of service signed by CCPA was provided by the Applicant. Ophir Rural Fire Protection District would provide structural fire protection, and a verification of service signed by Ophir RFPD was also provided. This requirement is met.

2. *Fire Safety Area: Owners of new dwellings and structures shall comply with the following requirements.*

   a) *A primary fire safety area of at least thirty (30) feet width shall be maintained around all structures; NOTE: For purposes of this ordinance a primary fire safety area shall be defined as follows:*

      An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.

   b) *A secondary fire safety area of at least one hundred (100) feet width shall be cleared and maintained around the primary fire safety area. NOTE: For purposes of this ordinance a secondary fire safety area shall be defined as follows:*

An area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.

Finding: The proposed home site has sufficient separation from the property lines to meet the distance requirements for both the primary and secondary Fire Safety Areas. The requirements for Fire Safety Areas (CCZO Section 3.055 (2)) will be reviewed for compliance upon application to construct a dwelling. (Condition #4)

3. *The dwelling shall have a fire-retardant roof.*

4. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

5. *The dwelling shall not be sited on a slope greater than 40 percent.*

Finding: The applicant proposes that metal roofing and spark arrestors will be used on structures, and that the dwelling will not be placed on a 40% or greater slope. These dwelling construction requirements (CCZO Section 3.055 (3), (4) and (5)) will be reviewed for compliance at the time an application is made to construct a dwelling. (Condition #5)

6. *The County may impose standards and conditions in addition to those specified above, when it deems it necessary to protect the public health, safety and welfare.*

Finding: CCZO Section 3.055(6) authorizes the County to impose additional standards and conditions on a dwelling constructed in an FG Zone if the County believes it is necessary to protect the public. The County has not imposed any conditions pursuant to this subsection other than those set forth in the review above. The County may impose additional conditions in later sections of this report to enable criteria and standards to be met, or to protect the public.

7. *Replacement or substantial improvement of legally sited existing dwellings requires compliance with the Fire Safety Area requirements of subsection (2) above. Substantial improvement constitutes an improvement which is in excess of 50% of the assessed value of the existing dwelling.*

Finding: This application is a request to permit a new dwelling. This standard is not applicable.

8. *Road Access to Dwellings*
   Road access to the dwelling shall meet the requirements set forth in Section 3.056.

Finding: Road access standards (Section 3.056) are addressed under the next section.

Section 3.056. <u>Fire Safety Standards for Roads.</u> *The following special road standards shall apply within the Forestry Grazing (FG) zoning designation. These special road standards shall not apply to private roads accessing only commercial forest uses that do not*

include permanent dwellings or structures. The purpose of the rule is to provide adequate access for fire- fighting equipment.

1. Roads and driveways shall have a drivable surface width of sixteen (16) feet.

2. Roads and driveways shall have an all-weather drivable surface of gravel or rock.

3. Roads and driveways shall have an unobstructed horizontal clearance of not less than sixteen (16) feet and an unobstructed vertical clearance of not less than twelve (12) feet.

4. Average grade for an road or driveway shall not exceed thirteen and one-half (13.5%) percent for any one mile of road length; or exceed twenty (20%) percent for any four hundred (400) consecutive feet of road length.

5. Roads and driveways shall have a drivable surfaced turnaround which has either a thirty five (35) foot radius cul-de-sac, or a sixty (60) foot "T-shaped" design for the turning of fire-fighting equipment.

6. Roads, driveways, bridges and culverts shall be designed and maintained to support a minimum gross weight (GVW) of 50,000 pounds for the passage of fire fighting vehicles or equipment.

7. Bridges or culverts which are part of the construction of the road or driveway to the dwelling or structure shall have written verification from a Professional Engineer, licensed in the State of Oregon, that the structure can meet the 50,000 pound construction standard.

8. All bridges shall be inspected and certified as to compliance with the 50,000 pound construction standard at an interval not greater than once every two years from the date of this ordinance. The inspection report shall be filed with the Curry County Road Department.

9. Variations from these standards may be granted through the provisions of Article VIII of this ordinance. The applicant shall provide a written statement from the governing board of the fire protection district having responsibility for structural fire protection in the area where the new dwelling or structure is to be located which states that their fire-fighting vehicles and equipment can negotiate the proposed road and driveway.

Finding: The road access standards (Section 3.056) will be reviewed for compliance at the time an application is made to construct the dwelling. (Condition #6)

Section 3.252 <u>Development in Areas of Geological Hazards.</u> *Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity is submitted to the Director.*

1. *The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards.*

a) *A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.*

b) *A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Section 3.250.*

2. *If the assessment provides a certification pursuant to Section 3.252(1)(a), the development activity may proceed without further requirements of this Section*

3. *If the assessment provides a statement pursuant to Section 3.252(1)(b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.*

Finding: Per DOGAMI Provisional Maps of Rapidly Moving Slides, portions of this property are identified as having a geologic hazard area, including the Applicant's proposed home site. The Applicant has included a Preliminary Reconnaissance-Level Geological Evaluation (Cascadia Geoservices Inc (CGI), 11/6/2020) focused on the proposed home site. This report concluded that the site is suitable for residential development, provided that it is developed in accordance with CGI recommendations, including a recommendation that a site-specific geotechnical evaluation be done prior to development. Therefore, as a condition of approval, a site-specific geotechnical evaluation (as recommended by CGI) shall be provided upon application for a development permit. As conditioned, this requirement will be met (Condition #7).

Section 7.010 <u>Authorization to Grant or Deny Conditional Uses</u>:
Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 7.020 through 7.050. In permitting a conditional use the County may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole. A change in use, the size of the site area of use, or a structure that is classified as conditional and in existence prior to the effective date of this ordinance shall conform to all provisions of this ordinance pertaining to conditional uses.

Finding: The authority stated above gives the County the ability, if warranted by findings of fact, to impose some or all of the conditions set forth in Section 7.040(1) below or other conditions that may be necessary to protect the best interests of the area or the County as a whole. There are conditions applicable to this application that will be required to be satisfied at the time a development permit is requested to establish the residential dwelling on the property. This finding is met.

Section 7.040 <u>Standards Governing Conditional Uses:</u>

1. *Conditional Uses Generally.*

a) *The County may require property line set-backs or building height restrictions other than those specified in Article IV in order to render the proposed*

conditional use compatible with surrounding land use.

b) *The County may require access to the property, off-street parking, additional lot area, or buffering requirements other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land uses.*

c) *The County may require that the development be constructed to standards more restrictive than the Uniform Building Code or the general codes in order to comply with the specific standards established and conditions imposed in granting the conditional use permit for the proposed use.*

Finding: Based on evaluation of this application, the County is not requiring additional conditions of approval related to items a) – c) in order to find the proposed use of establishing a dwelling on the property to be compatible with adjacent land uses. This requirement is met.

d) *If the proposed conditional use involves development that will use utility services; the applicant shall provide statements from the affected utilities that they have reviewed the applicants' proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions for providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.*

Finding: The proposed dwelling is located outside the utility service areas for public water and sewer service. Electrical power is to be supplied by the Coos Curry Electric Co-Op and structural fire protection is available from Ophir Rural Fire Protection District. The applicant has provided a service provider letters from CCEC and Ophir RFPD. This requirement is met.

2. *Dwelling not served by community water or sewer service.*

a) *A dwelling not served by community sewer may be authorized as a conditional use only after the individual sewage disposal system site has been approved in writing by the County Sanitarian or other agent authorized to regulate sewage disposal systems in the county. If the Board, Commission or Director has been informed as to a possible environmental hazard if the conditional use permit were approved, or if records show past environmental violations on the part of the applicant; the Board, Commission or Director shall request that this conditional use be reviewed by the Department of Environmental Quality and that a sewage disposal system plan shall be approved for this conditional use before the permit is granted.*

Finding: A copy of a Residential Septic Site Evaluation (246-20-000355-EVAL, dated 10/22/2020) for use of an onsite sewage disposal system on the subject property was submitted by the Applicant. The required individual site evaluation has been approved by Greg Alton, Regional Onsite Wastewater Specialist, Coos County DEQ, the appropriate authority for the task. This requirement is met.

b) *A dwelling not served by community water may be authorized as a conditional use only after the description of the proposed method of supplying domestic water to the proposed dwelling have been approved by the decision maker. If the proposed method involves the creation of a community water system; the plans, approved by a licensed engineer, and other related documents including water rights, water quality test(s), water quantity test(s), and letters of approval from the appropriate agency shall be provided to the decision maker. If the proposed method involves the extension of an existing water supply system a statement from the agency that controls the system indicating that it can and will supply water to the proposed dwelling shall be provided to the decision maker. If the proposed water source is an individual on-site source a description of the water source and quantity of flow shall be provided to the decision maker. If the water source is to be a proposed well the applicant shall provide evidence that there is ground water available based on the well records from existing wells within 1/4 mile of the proposed well site.*

Finding: The Applicant proposes use of a drilled well as a domestic water source for the requested home site. Four well log entries (CURR_52574, CURR_51413, CURR_51514, and CURR_53372) from OR Water Resources Dept were provided from nearby properties improved with dwellings. The four well log entries with well test information do not meet the specified ¼ mile distance requirement, but are about ½ to 1 mile distant of the subject's proposed well site given the large tracts adjoining the subject. The provided well logs were for wells drilled between 2006 and 2014, averaging ~135 ft depth and ~7 gallons per minute yield when drilled. While the ¼ mile distance requirement could not be met, these well log entries provide support that ground water is available nearby. Verification of a sufficient domestic water source will be required upon application of a home site development permit. As conditioned, this requirement is met (Condition #2.)

17. *Uses on resource land.*

a) *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forestland.*

Finding: This request is for a single-family dwelling plus the implementation of associated residential activities. The Applicant has submitted evidence and has proposed to comply with provisions intended to alleviate any conflicts associated with nearby forest or farming uses. The impact of a dwelling has been found to have minimal impact on adjacent forest or farming uses; therefore, the proposed use should not significantly deter those uses. This requirement is met.

b) *The proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.*

Finding: This requirement has been addressed in prior sections of this review. The conclusion was reached that if all conditions of approval were met for the stated requirements and standards, danger from wildfire would be minimized. If danger from wildfire is minimized, the use should not pose a significant risk to personal involved in fire suppression, nor significantly increase the associated

costs. The requirements for Fire Fighting Standards for Dwellings and Structures (Section 3.055) and Fire Safety Standards for Roads (Section 3.056) will be reviewed for compliance at the time an application is made to construct a dwelling.

c) *A written statement be recorded with the deed or written contract with the County or its equivalent shall be obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.*

Finding: As a condition of approval, a written statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules shall be recorded (Condition #8). As conditioned, this requirement will be met.

Section 7.050 Time Limit on a Permit for Conditional Uses – *Authorization of a conditional Use permit to establish a single-family dwelling in the FG zone, outside the urban growth boundary, shall become null and void after four years unless substantial construction has taken place or an extension has been granted. The county may grant an extension period of up to 12 months if the applicant makes a written request for an extension and the request is submitted to the County prior to the expiration of the approval period.*

Finding: In order to comply with Section 7.050 of the CCZO, the conditional use approval for the single-family dwelling will include a condition (Condition #9) that the approval expires if construction does not commence within four years and if an extension is not requested by the applicant and granted by the Planning Director.

V. PUBLIC COMMENTS/CONCERNS

A Notice of Application was issued to nearby property owners regarding this request for Conditional Use Approval on November 25, 2020. Except for notification from ODOT that the land use proposal should not significantly affect ODOT facilities, no written comments were received.

VI ADMINISTRATIVE DECISION AND CONDITIONS OF APPROVAL

Application AD-2021 for a Conditional Use Approval to establish a dwelling on a 167.24 acre parcel zoned Forestry Grazing (FG) located on Assessor's Index Map 3414, Tax Lot 906 is **APPROVED** with the conditions on this date of January 12, 2021.

The Applicant has demonstrated that this request, with the imposition of the conditions listed below, will meet all applicable requirements and standards for a dwelling in the FG zone.

1. One single-family dwelling may be developed on this tract. This approval is based on siting the single-family dwelling as indicated in this application. Therefore, in order to comply with the applicable criteria and standards of the CCZO, and the recommended conditions of approval, the dwelling and any accessory structures must be sited in the approved area proposed in this application. No change in the location of the approved

area is authorized without amendment of this conditional use approval.

2. The Applicant shall provide verification of a drilled well with sufficient yield for domestic use upon application for a home site development permit.

3. Timber restocking requirements (CCZO Section 3.053 (4) (e-i)) will be reviewed for compliance upon application to construct a dwelling if timber has been taken or removed from this property.

4. Fire Safety Areas shall be cleared and maintained around all structures, consistent with CCZO Section 3.055 (2a) and (2b), and compliance will be reviewed upon application for a home site development permit. Fire Safety Areas are defined as:

   The primary fire safety area (30ft from structure) is defined as follows: *an area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath the trees.*

   The secondary fire safety area (an additional 100ft beyond the primary area) is defined as follows: *an area in which the vegetation shall be limited to mowed grasses, low shrubs (less than two (2) feet high, and trees that are spaced with more than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet from the ground) branches.*

5. A proposed dwelling shall have a fire-retardant roof, all chimneys shall have approved spark arresters installed and the dwelling shall not be sited on a slope greater than 40%. Compliance with these standards will be inspected and certified by the building inspector at the time of construction.

6. Road access to the dwelling must meet Fire Safety Standards (CCZO Section 3.056). The Applicant must submit, prior to building permit issuance, a copy of a signed and notarized form, supplied by the County, stating that the private drive has been constructed and will be maintained to the standards in CCZO Section 3.056.

7. The Applicant shall provide a site-specific geotechnical evaluation (as recommended by Cascadia Geoservices, Inc) upon application for a development permit.

8. The Applicant shall provide a recorded statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.

9. This approval will **expire four (4) years** from the date this decision becomes final unless substantial construction of the dwelling has taken place or an extension of time has been granted. Requests for extension of time shall be consistent with CCZO Section 7.050(5) and must be received by the Planning Department, in writing, with the appropriate fee, prior to the expiration date.

This decision is limited to the review of Curry County applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development

projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development. Notice of this decision is being sent to property owners in the vicinity of this property.

Notice of this Administrative Decision is being sent to property owners within the statutory vicinity of this property. The applicants, or the noticed adjacent property owners, have the right to request an appeal hearing within 15 days of this decision. This decision will be final once the 15 day period has ended, provided an appeal has not been filed. Any appeal must meet the provisions of CCZO Sections 2.060(2) (b), 2.170; and 2.180.

Becky Crockett

Becky Crockett
Curry County Planning Direct

January 13, 2021

Date